

## Federal Communications Commission

## § 21.7

(e) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

[44 FR 60534, Oct. 19, 1979, as amended at 61 FR 55580, Oct. 28, 1996]

### § 21.5 Formal and informal applications.

(a) Except for an authorization under any of the proviso clauses of section 308(a) of the Communications Act of 1934 (47 U.S.C. 308(a)), the Commission shall grant the following authorizations only upon written application: Station licenses; modifications of station licenses; renewals of station licenses; extensions of time to construct; transfers and assignments of station licenses or of any rights thereunder.

(b) Except as may be otherwise permitted by this part, a separate written application shall be filed for each instrument of authorization requested. Applications may be:

(1) "Formal applications" where the Commission has prescribed in this part a standard form; or

(2) "Informal applications" (normally in letter form) where the Commission has not prescribed a standard form.

(c) An informal application will be accepted for filing only if:

(1) A standard form is not prescribed or clearly applicable to the authorization requested;

(2) It is a document submitted, in duplicate, with a caption which indicates clearly the nature of the request, radio service involved, location of the station, and the application file number (if known); and

(3) It contains all the technical details and informational showings required by the rules and states clearly and completely the facts involved and authorization desired.

[44 FR 60534, Oct. 19, 1979, as amended at 52 FR 37777, Oct. 9, 1987]

### § 21.6 Filing of applications, fees, and number of copies.

(a) As prescribed by §§ 21.7 and 21.11 of this part, standard formal application forms applicable to the radio services included in this part may be obtained from either:

(1) Federal Communications Commission, Washington, DC 20554; or

(2) Any of the Commission's field operations offices, the addresses of which are listed in § 0.121.

(b) Applications requiring fees as set forth in part 1, subpart G of this chapter must be filed in accordance with § 0.401(b) of this chapter. Applications not requiring fees shall be submitted to: Federal Communications Commission, Washington, DC 20554.

(c) All correspondence or amendments concerning a submitted application shall clearly identify the radio service, the name of the applicant, station location, and the Commission file number (if known) or station call sign of the application involved. All correspondence or amendments concerning a submitted application may be sent directly to the Wireless Telecommunications Bureau.

(d) Except as otherwise specified, all applications, amendments, and correspondence shall be submitted in duplicate, including exhibits and attachments thereto, and shall be signed as prescribed by § 1.743.

(e) Each application shall be accompanied by the appropriate fee prescribed by, and submitted in accordance with, subpart G of part 1 of this chapter.

[44 FR 60534, Oct. 19, 1979, as amended at 52 FR 10230, Mar. 31, 1987; 52 FR 37777, Oct. 9, 1987; 58 FR 19774, Apr. 16, 1993; 61 FR 26673, May 28, 1996; 67 FR 13230, Mar. 21, 2002]

### § 21.7 Standard application form for domestic public fixed radio service licenses.

Except for the Multipoint Distribution Service, FCC Form 494 ("Application for a New and Modified Microwave Radio Station License Under Part 21") shall be submitted and a license granted for each station prior to commencement of any proposed station construction. FCC Form 494 also shall be submitted to amend any license application, to modify any license pursuant to

## §§ 21.8–21.10

## 47 CFR Ch. I (10–1–04 Edition)

§§ 21.40(a) and 21.41, to notify the Commission of modifications made pursuant to § 21.42, and to delete licensed facilities. FCC Form 494A shall be submitted to certify completion of construction.

[52 FR 37777, Oct. 9, 1987, as amended at 60 FR 36551, July 17, 1995]

### §§ 21.8–21.10 [Reserved]

#### § 21.11 Miscellaneous forms.

(a) *Licensee qualifications.* FCC Form 430 (“Licensee Qualification Report”) must be filed annually, no later than March 31 for the end of the preceding calendar year, unless the licensee operates solely on a common carrier basis and service was not offered at any time during the preceding year. Each annual filing must include all changes of information required by FCC Form 430 that occurred during the preceding year. In those cases in which there has been no change in any of the required information, the applicant or licensee, in lieu of submitting a new form, may so notify the Commission by letter.

(b) *Additional time to construct.*—FCC Form 701 (“Application for Additional Time to Construct Radio Station”) shall be filed in duplicate by a licensee prior to the expiration of the time for construction noted in a license if a licensee seeks to modify the license by extending the period of construction.

(c) *Renewal of station license.* Except for renewal of special temporary authorizations, FCC Form 405 (“Application for Renewal of Station License”) must be filed in duplicate by the licensee between thirty (30) and sixty (60) days prior to the expiration date of the license sought to be renewed. Whenever a group of station licenses in the same radio service are to be renewed simultaneously, a single “blanket” application may be filed to cover the entire group, if the application identifies each station by call sign and station location and if two copies are provided for each station affected. Applicants should note also any special renewal requirements under the rules for each radio service.

(d) *Assignment of license.* FCC Form 305 (“Application for Consent to Assignment of Radio Station Construction Authorization or License (for Stations

in Services Other than Broadcast)”) must be submitted to assign voluntarily (as by, for example, contract or other agreement) or involuntarily (as by, for example, death, bankruptcy, or legal disability) the station license or conditional license. In the case of involuntary assignment, the application must be filed within 30 days of the event causing the assignment. FCC Form 305 also must be used for non-substantial (*pro forma*) assignments. In addition, FCC Form 430 must be submitted by the proposed assignee unless such assignee has a current and substantially accurate report on file with the Commission. Whenever a group of station licenses or conditional licenses in the same radio service is to be assigned to a single assignee, a single “blanket” application may be filed to cover the entire group, if the application identifies each station by call sign and station location and if two copies are provided for each station affected. The assignment must be completed within 45 days from the date of authorization. Upon consummation of an approved assignment, the Commission must be notified by letter of the date of consummation within 10 days of its occurrence.

(e) *Partial assignment of license.* In the microwave services, authorization for assignment from one company to another of only a part or portions of the facilities (transmitters) authorized under an existing license (as distinguished from an assignment of the facilities in their entirety) may be granted upon application:

(1) By the assignee on FCC Form 494 and

(2) By the assignor on FCC Form 494 for deletion of the assigned facilities, indicating concurrence in the assignee’s request.

The assignment shall be consummated within 45 days from the date of authorization. In the event that consummation does not occur, FCC Form 494 shall be submitted to return the assignor’s license to its original condition.

EDITORIAL NOTE: At 63 FR 65100, Nov. 25, 1999, paragraphs (f) and (g) were redesignated as paragraphs (e) and (f) and newly designated paragraph (e) was revised. However,